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CONNERS • BERRY PLC

REC'D TN  
REGULATORY

Henry Walker  
(615) 252-2363  
Fax: (615) 252-6363  
Email: hwalker@boultcummings.com

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February 25, 2002

OFFICE OF THE  
EXECUTIVE SECRETARY

David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Re: Petition of Tennessee UNE-P Coalition to Open Contested Case  
Proceeding to Declare Unbundled Switching an Unrestricted Unbundled  
Network Element.

Docket:02-00207

Dear David

This is to advise that AT&T was inadvertently included in the footnote on page one (1) of the  
Petition to Open Contested Case Proceeding in the above-captioned proceeding filed earlier  
today. A substitute page is being provided. I apologize for any inconvenience this may have  
caused.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

414 Union Street, Suite 1600  
P.O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

HW/nl  
Attachment  
c: Guy Hicks, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

**IN RE:            PETITION OF TENNESSEE UNE-P COALITION TO OPEN A  
                     CONTESTED CASE PROCEEDING TO DECLARE SWITCHING AN  
                     UNRESTRICTED UNBUNDLED NETWORK ELEMENT**

**DOCKET NO. \_\_\_\_\_**

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**PETITION TO OPEN CONTESTED CASE PROCEEDING**

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Pursuant to T.C.A. § 65-5-209(d), the Tennessee UNE-P Coalition<sup>1</sup> hereby requests that the Tennessee Regulatory Authority (“TRA” or “Authority”) hold a contested case proceeding to establish unrestricted local switching as a “new interconnection service.”

The TRA has the authority to grant the requested relief pursuant to T.C.A. § 65-5-209(d) and T.C.A. § 65-4-124(a) (entitling telecommunications providers in Tennessee access to features, functions, and services on an unbundled and non-discriminatory basis). In conducting its review, the TRA can and should also carry out the statutory analysis required by Section 251(c)(3) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 251(c)(3),<sup>2</sup> to declare switching to be an unbundled network element (“UNE”) under federal law. To add a UNE pursuant to Section 251(c)(3), Federal Communications Commission (“FCC”) rules require

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<sup>1</sup> The Tennessee UNE-P Coalition includes the following companies: Access Integrated Networks, Inc.; Birch Telecom of the South, Inc.; Ernest Communications, Inc.; MCI metro Access Transmission Services, LLC and MCI WorldCom Communications, Inc. (collectively, “WorldCom”); NewSouth Communications Corp.; and Z-Tel Communications Inc.

<sup>2</sup> Section 251(c)(3) of the Act requires incumbent local exchange carriers (“ILECs”) to provide “nondiscriminatory access to network elements on an unbundled basis . . . in a manner that allows requesting carriers to combine such elements in order to provide . . . telecommunications service.” 47 U.S.C. § 251(c)(3).